



SANTA CLARA
COUNTY
FARM BUREAU

Dec. 13, 2006

Local Agency Formation Commission (LAFCO)
Santa Clara County
70 West Hedding
San Jose, CA 95110

Dear Commissioners:

The Farm Bureau urges the LAFCO board to refer the proposed ag mitigation policy to a subcommittee that includes elected representatives, developers, property owners, farmers and environmental groups so that these groups can work together to develop a viable policy.

The Farm Bureau would like be involved in those discussions. It may be helpful to know the goals we will keep in mind during the process.

First, we want farmers to be able to continue farming on fertile land fit for farming far into the future.


Second, when farmers want to sell their land or their development rights, they should be fairly compensated for their investment in the land and their years of resource protection.

Third, a successful ag mitigation policy adopted by any city or board must include adequate formulas to fund the purchase of ag land or the purchase of conservation easements. This is the only way ag land will be protected in perpetuity.


Any comments beyond that would be premature at this point. The policy appears to need substantially more discussion and revision before it will be acceptable to the many parties which must buy into it.

We look forward to participating in your process.

Sincerely,



Jan Garrod
President of the Board



Jenny Derry
Executive Director



janet gray hayes
<janetgrayhayes@sbcg
lobal.net>

To: neelima.palacherla@ceo.sccgov.org
cc:
Subject: LAFCO recommendations

12/12/2006 12:19 PM

We are both Sierra Club members and would like to add comments on annexation requests for our County's remaining farm land and stopping rural sprawl. We believe that LAFCO needs open space policies that are strong & detailed as the proposed agricultural mitigation policy.

AND THAT for every acre of agricultural land converted to urban uses an acre of similar land in our County should be, must be, permanently preserved.

We are unable to attend the public hearing tomorrow but want our comments entered in the public record.

Thank you for your attention to this matter.

Kenneth and Janet Gray Hayes, 1155 Emory St., S.J., CA

Post-it® Fax Note	7671	Date	12/13/06	# of pages	FIVE
To	NEELIMA PALACHERLA	From	JENNY NUSBAUM		
Co./Dept	LAFCO	Co.	SAN JOSE PLANNING		
Phone #	299-5127	Phone #	535-7872		
Fax #	295-1613	Fax #	292-6055		

December 12, 2006

Honorable Donald Gage & Commissioners
Local Agency Formation Commission of Santa Clara County
70 West Hedding Street, 11th Floor, East Wing
San José, CA 95110

RE: Comments on Local Agency Formation Commission of Santa Clara County (LAFCO) Revised Draft (October 26, 2006) Agricultural Mitigation Policies

Dear Chairman Gage and Commissioners,

The City of San José appreciates the opportunity to provide comments on LAFCO's Draft Agricultural Mitigation Policies as revised October 26, 2006. We support LAFCO's intent of creating policies to protect agricultural uses in Santa Clara County, but we believe the draft policies are not ready for adoption. This letter provides comments on the Draft Policies, requests additional CEQA analysis, and suggests additional outreach and communication with affected jurisdictions and other stakeholders.

Comments on the Revised Draft Policies

The City of San José supports LAFCO's mission, as stated in the Draft Policies, "to discourage urban sprawl, preserve open space and prime agricultural lands, promote the efficient provision of government services and encourage the orderly formation of local agencies." However, the City has concluded that implementation of the Draft Policies will not only fail to achieve this mission, but will, in fact, have unintended consequences that are detrimental to LAFCO's mission.

It is with these concerns in mind that the San José City Council offers the following additional comments on the Draft Policies, as well as reiterates the comments provided to you by the San José Director of Planning, Building, and Code Enforcement in a letter dated September 13, 2006 (a copy of which is attached for your reference). The City looks forward to continuing the dialogue with LAFCO staff on additional revisions to the Draft Policies so that jurisdictions can effectively work with the Policies and help implement LAFCO's mission.

Additional City comments on the Draft Policies are as follows:

Regarding General Policies,

- Item 1) LAFCO's Agricultural Mitigation Policy establishes minimum criteria and standards for providing agricultural mitigation for LAFCO proposals involving agricultural lands."*

The City interprets this policy to apply to all LAFCO proposals involving agricultural lands. LAFCO staff, however, has indicated that the policies are intended to apply only to proposals that involve Urban Service Area expansions. The policy text should be revised to state:

"LAFCO's Agricultural Mitigation Policies establishes minimum criteria and standards for providing agricultural mitigation for LAFCO proposals for Urban Service Area expansions involving agricultural lands."

- Item 2) "LAFCO requires adequate and appropriate agricultural mitigation for all LAFCO applications that impact or result in a loss of prime agricultural lands. Prime agricultural lands are defined in Policy No. 5."*

The City interprets this policy to be vague, as it theoretically could apply to applications that have a beneficial impact, a less than significant impact, or no net loss of prime agricultural lands, therefore raising nexus issues. We suggest that the policy text should be revised to state:

"LAFCO requires that adequate and appropriate agricultural mitigation should be provided for all LAFCO applications that impact or result in a significant net loss of prime agricultural lands. Prime agricultural lands are defined in Policy No. 5 7."

Items 3 through 6) City of San José has no comments on these items.

- Item 7) Regarding LAFCO's definition of Prime Agricultural Lands, the City of San José encourages LAFCO to revise its definition to be consistent with the criteria used by the State of California Department of Conservation, and we reiterate comments stated in the letter dated September 13, 2006, from the San José Director of Planning reprinted below:*

...the City suggests using the California Land Evaluation and Site Assessment Model (LESA), which uses six different factors to rate the relative quality of land resources based upon specific measurable features. The six factors are land capability, soil quality/type, project size, water resource availability, surrounding agricultural land, and surrounding protected resource land. The advantage of the LESA model is that it ranks prime agricultural land according to the six factors mentioned. Under the current Draft Agricultural Mitigation Policies, if a parcel meets only one of the factors as described in number 5 [now 7] (a-f), it is classified as prime agricultural farmland.

However, this fails to recognize other aspects that contribute to the quality of agricultural land such as parcel size and adjacent use. Additionally, the City is not aware that LAFCO has authority to define prime agricultural farmlands in a manner that is different from existing state laws.

Items 8, 9, 10, and 11) Regarding LAFCO's proposed Mitigation Requirements, the City of San José questions the one-size-fits-all approach of requiring not less than a 1:1 ratio (1 acre preserved for every acre converted). As per our response to Item 7, LAFCO's policies should account for the relative quality and quantity of agricultural land, as provided by the LESA criteria, as well as any negative environmental and economic impacts resulting from setting aside additional land for exclusively agricultural uses.

Item 12) Regarding LAFCO's proposed Agricultural Conservation Entity Qualifications, the City of San José requests further clarification for LAFCO's proposal to exclude private for-profit agricultural conservation entities from the list of options.

Items 13 and 14) Regarding LAFCO's proposed requirement that the submittal of an Agricultural Mitigation Plan must occur at the time that a proposal impacting agricultural lands is filed with LAFCO, the City of San José is concerned that this would be an impractical approach in terms of the need for CEQA analysis, and questionable in terms of being able to show a nexus in situations where a project's impacts to agricultural lands is less than significant. CEQA typically would require early consultation by a lead agency, such as the City of San José, with a responsible agency, such as LAFCO, to discuss and resolve mitigation requirements prior to the City approving a project such as a Planned Development pre-zoning, or a Specific Plan, which may then require LAFCO approval of an Urban Service Area expansion and annexation.

LAFCO should therefore be willing to review and accept feasible mitigation measures that could be incorporated into the project well before the project is finalized and adopted by the lead agency, so that the lead agency's CEQA document can provide environmental clearance for the project with mitigation measures incorporated. This approach is more consistent with the CEQA process and provides more certainty of anticipated costs and timing for the project proponent.

Items 15, 16, 17, 18, and 19) Regarding LAFCO's proposed requirements for Timing and Fulfillment of Mitigation, the revised draft language, as of October 26, 2006, does not adequately address opportunities to take advantage of economies of scale that may better achieve LAFCO's goals, and does not address comments stated by the City of San José's Director of Planning in the letter to LAFCO dated September 13, 2006, reprinted below:

The City agrees that mitigation measures should be carried out within a reasonable amount of time; however, for long-term projects this proposed policy is probably infeasible. This is because for large and/or long range projects, funding is not likely to be available to carry out agricultural mitigation within two years of an action requiring LAFCO approval. Therefore, the City suggests that if this proposed policy is carried forward in some fashion that it be reworked to be flexible with both short and long-range projects.

CEQA Analysis

The City of San José reiterates the concern voiced by many stakeholders and respondents that the environmental impacts of LAFCO's proposed Agricultural Mitigation Policies are still not adequately disclosed and addressed under CEQA. The Policies would have impacts not contemplated in the documentation cited by LAFCO to address CEQA: the cited documentation is at least a decade old, and does not address existing conditions as of November 2006. Moreover, there would be unintended negative impacts to orderly growth, biotics, and to sensitive receptors, if these Policies were to be adopted as currently proposed. Additionally, the CEQA analysis referred to by LAFCO staff does not in any way disclose, discuss, or evaluate the potential for the Draft Policies to drive development into areas where these mitigations would not be required, and the environmental impacts of encouraging development in certain areas over others. Such a situation is more fully described below.

For example, based on the City of San José and County of Santa Clara agreement regarding procedures for City Review of Proposed Land Use Amendments, a 20-unit residential subdivision could be approved by the County in an unincorporated area of the City's Sphere of Influence with no expansion of the City's Urban Service Area (USA). Such a development would not be subject to LAFCO's proposed Agricultural Mitigation Policies. However, if this same development were proposed to be annexed to the City of San José, with a request to expand the City's USA to provide sewer connections and other City services to the development, that development would be subject to LAFCO's proposed Policies.

Most developers would find it less costly and less burdensome to develop the 20-unit residential subdivision in an unincorporated County area. The developer would have far less incentive to develop land close enough to City limits (i.e., within 300 feet as measured along a public street) and be annexed to the City, where this land would have to be replaced at a 1:1 ratio, as compared to development in unincorporated County where no land replacement mitigation would be required.

If, on the other hand, a more modest residential development were proposed on an unincorporated site adjacent to existing urbanized residential development within the City of San José, with a proposal for expansion of the City's USA and annexation of the unincorporated site to the City, such a project potentially could trigger agricultural land mitigation requirements under the proposed Policies. If the proposed project included a portion of the site to be set aside for agricultural use, which previously had been fallow, the introduction of the new agricultural use could include practices, such as pesticide applications, and operation of diesel powered machinery, that could negatively impact the health of the adjacent existing residents. The previously fallow land could also have evolved into wetlands or habitat for protected species. The conversion of this land to agricultural use could significantly compromise the biotic value of the site.

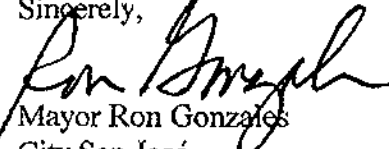
Adequate CEQA review, with circulation of the proposed environmental clearance documentation through the State Clearinghouse, is necessary and would also provide a method of informing and coordinating with responsible State agencies.

Conclusion

We appreciate the opportunity to participate in this process. We request that our comments be incorporated into the crafting of LAFCO's final version of the Agricultural Mitigation Policies. LAFCO's consideration of adoption of the Draft Policies should be deferred until LAFCO has completed adequate CEQA documentation and a more extensive dialogue with affected jurisdictions and other stakeholders.

Again, the City of San José strongly shares the objectives underlying LAFCO's Draft Agricultural Mitigation Policies to conserve prime agricultural farmland in Santa Clara County. We look forward to continuing to working with you on this important issue.

Sincerely,


Mayor Ron Gonzales
City San José

Attachment: Copy of Letter from City of San José's Director of Planning, Building, and Code Enforcement, dated September 13, 2006

c: Neelima Palacherla, LAFCO Executive Officer



gemela katz
<katzz137@yahoo.com>
>

12/13/2006 11:01 AM

To: dunia.noel@ceo.sccgov.org
cc:
Subject: Saving Santa Clara County's Remaining Farmland and Open Space

December 13, 2006

Dear LAFCO,

My name is Susan Orth. I am a teacher and also a Sierra Club member. My obligation as an educator is to instill in young people the importance to be good stewards of the Earth and it's natural resources. The rain forest is being lost everyday to deforestation. The people are thinking of short monetary gains for the here and now. Selling the wood for money and clearing the land for agriculture lasts for only a few years. The rainforest is then lost forever. The beautiful animals, food, medicine, natural resources, parks and highly rich soil is gone. The result is devastating. The cleared land often becomes flooded, because man has taken away it's natural ability to absorb the water.

I see this happening all over Santa Clara County and the Bay area in general. I used the rain forest example because it's easy to understand. L.A. is a prime example of how over development causes great flooding. I would hate to see Santa Clara County to follow the mistakes of L.A. Gone are the orange tree orchards that once flourished as part of L.A's scenery.

I am not very old, but old enough to remember the orchards that covered South San Jose where I grew up. Why was Blossom Hill Road named such a beautiful name? I loved looking at the few remaining CherryBlossom orchards when I use to drive to West Valley college on Blossom Hill Road. About 95% of what were orchards are now developed as businesses and housing. I now live in the Willow Glen area and probably it's last orchard was taken out in March off of Meridian and Curci. I am glad I shot lot's of pictures and video to remember just days before it went down. Why can't they leave just one orchard to remember before they are all gone? Why is all this necessary? I don't see the point. We already have so many cars, people, and pollution. I wept thinking about all the birds and animals that recently lost their homes in that orchard near my home, not too mention all the other trees, plants, animals and insects that too are gone due to overdevelopment. Why don't we have more parks? Are just pictures what my students will remember? Why are 4,500 hundred homes going to be developed in Evergreen in such a hurry, to get tax money to fix today's problems in the area?

Thank goodness for the Yew tree that was used in the chemo treatment for my mother's cancer. It gave me and all the people her life touched a little more time to be with her. We depend on our natural resources for survival. The Yew tree was being threatened a few years back. I am glad it was available for medicinal purposes for my mother's case and all the other lives it helped save!

We must stop now before it's too late. I want my students to be able to see some country and farmland before it's gone. Most children I work with only know how to watch TV and play

computer games really well. Nature is a foreign concept to them. They just light up when I share nature with them and how much we rely on natural resources in our daily lives .

I attended school in Morgan Hill and will always remember the long beautiful bus ride looking at farm land. Because I had that opportunity, I care about what our future generations will be able to see and enjoy!

The quality of live in Santa Clara County will continue to diminish if vast quantities of irreplaceable agricultural land and open space is lost to urban sprawl. Will we have enough water? Will there be enough natural flood controls? Will be have enough agricultural land to grow food to sustain future population growth due to over development? Will there be any space to build parks large enough for people to really enjoy? Our current highways don't support the amount of traffic we have today. What will 101 South look like in 2 years? Why do they want to build high rise condos in downtown San Jose where a site for BART has been set aside for years? Why is there a huge office building tower in downtown that has been vacant since 2002? I hope these are issues the city planners and developers are considering and not just money. It will be much more costly in the future to clean up the environmental problems today's actions will cause.

It does not make sense to take out well established businesses all over the Bay Area to build more housing. Now the businesses I use are so crowded due to closing the ones I did business with previously. There will be so many more people with no where to go for fun. It's hard now to find good restuarants to eat at. Santa Row is almost impossible to find parking now. I don't want to be towed parking at the movie theater across the street to visit there.

I heard Chuck Reed say last May he wanted to recycle land and build upward along the light rail. I also recently heard Cindy Chavez state that different high rise condos projects are in the pipeline in downtown. I don't understand other than to create a tax base for the city to build more. Why does the city of San Jose need be so dense? It does not make the quality of life for anyone better, but worse. I tried taking light rail home one day from work and it took one hour and 45 minutes. Most of the people riding did not appear to be professional. So I doubt many people will ride light rail to work unless they work in downtown. I can ride my bike the 10 miles to work in less than one hour. We are forced to get into our cars. So what is the point to build along the light rail system? Most people change jobs often anyways.

It makes sense to me to fill up the housing that is being built within first even though I don't agree with it, before attacking what farmland we have left for more development outward. It is imperative LAFCO take the necessary steps to adapt an agriculture mitigation policy.

Please I urge you to expand the definition of the lands covered to include fallow agricultural lands. The duration of the mitigation should be allowed to happen during the entire proposed three year period. I would urge LAFCO to adapt an OPEN SPACE policy that is atleast as strong and detailed as the proposed agricultural policy. Lastly, and most important that one acre of agricultural land converted to urban uses be similar land in Santa Clara County must be permanantly preserved. Hopefully some of this equal land will encompass the areas being developed and not just the hillsides. Thank You for this consideration!

Sincerely,

Susan Orth
Educator

Have a burning question? Go to [Yahoo! Answers](#) and get answers from real people who know.

12/13/06

LAFCO Commissioners
Neelima Palacherla, Executive Officer
LAFCO staff
c/o Emmanuel Abello, LAFCO Clerk

As an unincorporated Santa Clara County property owner, I am in strong support of the adoption of LAFCO's Agricultural Mitigation Policies at today's hearing.

I also request that my suggested policy changes and the inclusion of required open space land mitigation to the December 6th draft LAFCO Agricultural Mitigation Policy be considered and adopted today. I'm presenting my suggested changes and recommendations directly to you today, December 13, 2006, for your individual and the Commission's consideration and adoption action. I further request that my Commission's agricultural mitigation policy adoption support and written policy requested changes be part of today's hearing minutes and record.

The current December 6th draft needs to include the mitigation of a broad range of open space lands and overlooks and fails to address the protection and preservation of the valuable open space habitat lands, including fallow (unseeded) agricultural open space lands. A planted orchard is considered agricultural land, but is not considered open space or open space habitat land whereas a fallow field is considered open space land and needs to be specifically included, protected, and preserved in the LAFCO mitigation policy to protect those valuable habitat lands.

Focusing on the stated LAFCO mission of protecting and preserving the remaining open space and the prime agricultural lands, it is very apparent to me that LAFCO needs to strengthen the proposed draft of LAFCO's Agricultural (and Open Space) Mitigation Policies by including open space habitat land protection and preservation, and by making the preserved ratio 2 acres preserved for every one acre converted instead of the proposed 1:1 ratio. The following changes must be added to strengthen the December 6th draft policy:

Modify (indicated by brackets [] and bold underlining) the first 12/6 draft mission paragraph statement to read:

- LAFCO's mission is to discourage urban sprawl, preserve open space [**habitat lands, including fallow (unseeded) agricultural open space lands,**] and prime agricultural lands, promote the efficient provision of government services and encourage the orderly formation of local agencies...

Modify the second 12/6 draft mission paragraph to read:

- It is the intent of LAFCO to set forth through written policies, LAFCO's standards and procedures for providing [**open space habitat lands, including fallow (unseeded) agricultural open space lands, and prime**] agricultural [**land**] mitigation for LAFCO proposals involving [**open space habitat lands, including fallow (unseeded) agricultural open space lands, and prime**] agricultural lands, consistent with LAFCO's current policies and LAFCO's mandate.
- LAFCO must make air-tight definitions of the terms and restrictions used in the mitigation policy as did the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, including adding a definition section to the document.

My recommended changes of the following December 6th draft General Policies are indicated by the brackets [] and bold underlining:

- 12/6 Draft item # 1. LAFCO'S Agricultural Mitigation Policies establishes minimum criteria and standards for providing [**open space habitat land, including fallow (unseeded) agricultural open space land, and**] agricultural [**land**] mitigation for LAFCO proposals involving [**open space habitat lands, including fallow agricultural open space lands, and prime**] agricultural lands.
- 12/6 Draft item # 2. LAFCO requires [**open space and**] agricultural mitigation as specified herein for all LAFCO applications that impact or result in loss of [**open space habitat lands, including fallow (unseeded) agricultural open space lands, and**] prime agricultural lands. Prime agricultural lands [**are**] defined in Policy # 75.
- 12/6 Draft item # 4. When LAFCO proposal impacts or involves a loss of [**open space habitat lands, including fallow (unseeded) agricultural open space lands, and**] prime agricultural lands, ...

Definition of Prime Agricultural Lands

- 12/6 Draft item # 7. section a. Land [**may qualify,**] ...
- 12/6 Draft item # 7. section b. Land [**may qualify if rated**] ...
- 12/6 Draft item # 7. section c. **must be omitted** because the section is too vague, the type of livestock is not identified, no known unincorporated non-

irrigated acreage can support one cow per acre. (Delete this section to avoid unethical land manipulation of years, livestock numbers, or monetary amounts just to avoid this required mitigation and avoid legal challenges)

- 12/6 Draft item # **7. section d. needs to be shortened** to state: "Land planted with fruit or nut-bearing trees, vines, bushes, or crops." (This will avoid unethical land manipulation of years or monetary amounts prior to applying just to avoid this required mitigation and avoid legal challenges)
- 12/6 Draft item # **7. section e. needs to be shortened** to state: "Land that has returned from the production of unprocessed agricultural plant products." (This will avoid unethical land manipulation of years or monetary amounts prior to applying just to avoid this required mitigation and avoid legal challenges)
- 12/6 Draft item # 7 needs to have an item # 7 f. added that states: [**7 f. "All land that has the potential to be productive agricultural land"**] (This will avoid land manipulation prior to applying just to avoid this required mitigation and avoid legal challenges)

After 12/6 Draft item # 7 a **new section number 8** needs to be added.

- **Section [8 Definition of Open Space Habitat Lands.] [Protection and preservation of all habitat lands that are undeveloped, undisturbed, or lie fallow (unseeded), or unused for crops or agriculture of any kind are valued for its natural open space setting and are valued for providing an open space habitat that may be utilized by native plants and animals (such as the burrowing owl) and by re-introduced native plants and animals.]**

Mitigation Requirements

- 12/6 Draft item # 8. Proposals involving the conversion of [**open space habitat lands, including fallow agricultural open space lands, and**] prime agricultural lands shall not be approved unless one of following mitigations is provided at a not less than [**2:1 preservation**] ratio (**two (2) acres**) preserved for every [**one (1)**] acre converted...
- 12/6 Draft item # 8.a. The acquisition and transfer of ownership of [**open space habitat land, including fallow (unseeded) agricultural open land, and prime**] agricultural land to an [**open space/nature Trust and/or**] an agricultural conservation [**Trust**] entity ...

- 12/6 Draft item # 8. b. The acquisition and transfer of [an open space/nature Trust or an] agricultural conservation easement to an [open space/nature Trust or an] agricultural conservation [Trust] entity for permanent protection of the [open space habitat land, including fallow agricultural open space land, and prime] agricultural land.
- 12/6 Draft item # 8. c. The payment of in-lieu fees to an [open space/nature Trust or] agricultural conservation [Trust] entity ...
- 12/6 Draft item # 8. c. 1. The acquisition of [open space habitat lands, including fallow agricultural open space lands, and/or prime] agricultural lands or [open space/nature and] agricultural conservation easements for permanent protection, and
- 12/6 Draft item # 8. c. 2. The cost of administering, managing, monitoring, and enforcing the [open space habitat lands, including the fallow agricultural open space lands, and/or prime] agricultural lands or [open space habitat lands, including fallow agricultural open space lands, and/or] agricultural conservation easements as well as the costs of promoting [open space habitat lands, including supervised programs of volunteers to eradicate invasive non native species and re-introduce native plant and animal species to the open space lands, and] agriculture on the mitigated [agricultural] lands.
- 12/6 Draft item # 9. [Open space habitat lands and] agricultural lands or conservation easements acquired and transferred to an [open space/nature Trust or] agricultural conservation [Trust] entity must be located in Santa Clara County ...
- 12/6 Draft item # 10. The [open space and] agricultural mitigation [must] result in preservation of land that [will] promote the definition [and] creation of a permanent [open space habitat edge and/or] agricultural edge and must be:
- 12/6 Draft item # 10 a. [Open space habitat land and/or] agricultural land of equivalent [or better] quality and character ...
- 12/6 Draft item # 10 b. Located within the city's sphere of influence in an area planned/envisioned for [open space habitat and/or] agriculture [that would]

otherwise be threatened / impacted in the reasonably foreseeable future by development, and] ...

- restore 12/6 Draft item # 10. c. [Will promote the definition and/or creation of a permanent urban / open space habitat and/or agricultural edge or contribute to a local open space environmental nature conservation preserve project such as the Pajaro River's Soap Lake preserve.]

restore 12/6 Draft item # 11. ... (remove: encourages – restore) [requires]

- 12/6 Draft item # 11 a. Establishment of an [open space habitat and/or] agricultural buffer...
- 12/6 Draft item # 11 a. continued ... LAFCO [requires] (~~delete “encourages”~~) ...
- 12/6 Draft item # 11 a. continued ... (add back in must) Such measures [must] include, but are not limited to:
- 12/6 Draft item # 11 c. Development of programs to promote the continued viability of the surrounding [open space habitat land and/or] agricultural land.

Add a new section item # 11 d. [Development of supervised volunteer programs for the removal of invasive non-native plants and animals and the reintroduction of native plants and animals (such as the burrowing owl) to the open space habitat lands including fallow agricultural lands.]

- [Open Space Habitat /] Agricultural Conservation Entity Qualifications
- 12/6 Draft item # 12. The [open space habitat/nature and/or] agricultural conservation entity must be a city or a public or non-profit agency [such as the Land Trust Alliance]. The [open space habitat/nature and/or] agricultural conservation entity must:
- 12/6 Draft item # 12. a. Be committed to preserving local [open space habitat and] local agriculture and must have a clear mission along with strategic goals or programs for promoting [open space habitat/nature and] agriculture in the areas that [are] preserved through mitigation.
- 12/6 Draft item # 12. b. Have the legal and technical ability to hold and administer [open space habitat/nature lands and] agriculture lands and [open space habitat/nature and] agricultural conservation easements and in-lieu fees

for the purpose of conserving and maintaining [open space habitat/nature lands and] lands in agricultural ...

- 12/6 Draft item # 12. c. Have adopted written standards, policies and practices [as high] as the Land Trust Alliance's ... for holding and administering [open space habitat/nature lands and] and agricultural lands, [open space habitat/nature and] agricultural conservation easements ...

Plan for Mitigation

- 12/6 Draft item # 13. A plan for [open space habitat/nature and] agricultural mitigation that is consistent with the policy must be submitted at the time that the proposal impacting [open space habitat lands and/or] agricultural lands is filed [and the application fees are paid.]

12/6 Draft item # 14 The plan for mitigation shall include all of the following:

- 12/6 Draft item # 14 a. An agreement between the property owner(s) and the city or between the property owner, city and [the open space habitat/nature or] agricultural conservation entity ... mitigation for the loss of [open space habitat/nature lands and] prime agricultural lands ...
- 12/6 Draft item # 14 a. continued ...for the loss of [the open space habitat lands and/ or the] agricultural lands...

Timing and Fulfillment of Mitigation

12/6 Draft item # 15. (Change back LAFCO Draft items #15, as previously written with the [two (2)] years of conditional approval. (that is 24 full months to comply which is enough time for the serious acquisition of the replacement open space habitat lands or agricultural lands or conservation easements to be acquired and transferred or the in-lieu fees be paid, or the conditional approval may expire without any extensions.)

- 12/6 Draft item # 15. LAFCO will require as a condition of approval that the [open space habitat/nature lands and the] agricultural lands or conservation easements be acquired and transferred or the in-lieu fees be paid within [two (2)] years of LAFCO's conditional approval.

12/6 Draft item # 17. (Change back LAFCO Draft items #17, as previously written with the [two (2)] years of conditional approval)

- 12/6 Draft item # 17. If the conditions of approval are not met within [two (2)] years, [the conditional approval will expire unless the] applicant [pays the additional extension fees and re-applies] to LAFCO [within the last six (6) months of the initial two (2) year initial conditional approval period] for an extension, not to exceed [a maximum of one (1) additional] year. [All] further consideration by LAFCO will require a new application [and the payment of all new application fees. No additional extensions will be considered or allowed.]
- 12/6 Draft item # 19. ... involving [open space habitat/nature lands and] agricultural lands if [open space habitat/nature land mitigation and] agricultural mitigation has not been completed for the city's previous approvals. Status of pending [open space habitat/nature lands mitigation and] agricultural mitigation will be a [major] factor that ...

It is appropriate for Santa Clara County's LAFCO under the State's mandate to aggressively protect and preserve the remaining open space habitat lands and the remaining agricultural lands for future generations with required strong land mitigation policies. It is also appropriate for the developers, their investors, and the cities to understand that the protection, preservation, and mitigation of both the remaining open space habitat lands and agricultural lands for future Santa Clara County generations must come up front in the development and city expansion application processes.

I am available to discuss my policy and procedure recommendations with any of the LAFCO commissioners and LAFCO staff members. Again, I am in strong support of the adoption of LAFCO's Agricultural Mitigation Policies at today's hearing.

Respectfully,

Ken Bone

Ken Bone
3290 Godfrey Ave.
Gilroy, CA 95020
408-848-1036
fishbone1@earthlink.net



AgroEcology@aol.com

12/09/2006 08:02 AM

To: neelima.palacherla@ceo.sccgov.org

CC:

Subject: Coyote Valley

Hi Neelima

Sometimes "smart growth" is an oxymoron...Coyote Valley comes to mind.

Keep up the good Work !

Les Kishler

Former Chair of the LP Conservation Committee and Gaudalupe Regional Group back when Cesar Chavez and the UFW helped the SC identify the need to preserve ag land and open space in Coyote Valley. SJ has since successfully built another freeway (Fwy 85) towards Coyote Valley but has so far has left the Valley itself alone.



"frost.r"
<frost.r@sbcglobal.net
>

To: <palacherla@ceo.sccgov.org>
cc:
Subject: Stop Rural Sprawl

12/08/2006 09:41 PM

I am a Sierra Club member and support the Seirra Club positions r.e. LAFCO, namely-

- o No less than a 1 to 1 mitigation -- for every acre of agricultural land converted to urban uses an acre of similar land in Santa Clara County must be permanently preserved.
- o Expand the definition of lands covered to include fallow agricultural lands.
- o The timing and fulfillment of mitigation must occur within the proposed threeyear window.
- o LAFCO needs an open space policy that is equally strong and detailed as the proposed agricultural mitigation policy.

Thanks for helping us preserve the health and beauty of SC Valley.

Sincerely,

Robert D. Frost

4011 El Cerrito Rd

Palo Alto CA. 94306

655 California St.
Mountain View, CA 94041
November 26, 2006

LAFCO of Santa Clara County
70 West Hedding Street
11th Floor, East Wing
San Jose, CA 95110

FAX (408) 295-1613

Re: LAFCO Proposed Agricultural Mitigation Policies

Dear Ms. Palacherla,

As someone with a long-standing interest in wise land use and prevention of urban sprawl, I am keenly interested in and encouraged by LAFCO's steps towards an agricultural mitigation policy. Santa Clara County has indeed come a long way since the dark days when San Jose was dubbed the worst planned city in the US and the world's best agricultural lands were being lost forever to sprawl development at a prodigious rate. However, as most of the prime ag lands are already gone in our county, it is critical that prudent measures be taken to protect what is left and to encourage development within existing urban boundaries.

Therefore, I support as protection in the form of an agricultural or open space easement or equivalent on one acre as mitigation for every acre of ag or open space land that is to be developed through annexation. It is important for the 1 for 1 mitigation policy require that the easements cover land of similar agricultural quality and preferably land relatively nearby. It is also important that the policy cover fallow ag lands to prevent perverse incentive to take lands out of agricultural production.

Thank you for consideration of my comments.

Sincerely,

Jeff Segall



"Jim Geers"
<jim@futzer.com>

12/10/2006 11:47 AM

To: <neelima.palacherla@ceo.sccgov.org>
cc:
Subject: LAFCO Input

I am a Sierra Club member and deeply concerned about the continued urban development spread in our county. When will it ever stop? Do we need to cover every open space, hillside and hilltop with homes and other commercial buildings? Isn't it obvious that this model of urban development cannot continue and we must put together plans NOW that encourage urban development from within existing borders. We have this chance now with LAFCO policies to help limit urban expansion. In particular I support:

- no less than 1 to 1 mitigation of lands for urban use to permanently preserved lands.
- expanding the definition of lands covered to include fallow agricultural lands
- the timing and fulfillment of mitigation must occur within the proposed 3 year window
- LAFCO needs an open space policy that is equally strong and detailed as the proposed agricultural mitigation policy

thank you for your consideration.

Regards,

Jim Geers
27435 Natoma Road
Los Altos, CA 94022



Tom Carlino
<greenbelt@pluginfilters.com>

To: neelima.palacherla@ceo.sccgov.org
cc: mbeasley@greenbelt.org
Subject: LAFCO agricultural mitigation policy

12/09/2006 09:35 PM
Please respond to
greenbelt

Neelima Palacherla,

I recently learned of the LAFCO proposal for a new detailed agricultural land mitigation policy for Santa Clara County. As a resident of San Jose and a member of Greenbelt Alliance and the Sierra Club, I'm deeply concerned about saving Santa Clara County's remaining farm land and stopping rural sprawl, Coyote Valley being a prime example. I support the position of no less than 1 to 1 mitigation where for every acre of agricultural land converted to urban uses an acre of similar land in Santa Clara County must be permanently preserved. In addition the definition of lands covered should be expanded to include fallow agricultural lands. The timing and fulfillment of mitigation must occur within the proposed three year window. And LAFCO needs an open space policy that is equally strong and detailed as the proposed agricultural mitigation policy.

Thank you for considering my comments.

Tom Carlino